

Seattle's Shorelines Today and Tomorrow: Updating Seattle's Shoreline Master Program

Citizens Advisory Committee

Tuesday, November 18, 2008, 5:00 pm - 9:00 pm

Conference Room 4080, Seattle Municipal Tower, Fifth and Columbia

MEETING SUMMARY

Prepared by Triangle Associates, Inc.

Attendance

Seattle Shoreline Master Program Update Citizen Advisory Committee			
Last	First	Seat	In Attendance?
Allison	Bob	Residential Shoreline Property Owner	✓
Arntz	Jan	University of Washington	✓
Ashley	Gregory	Aquatic Permittees/Contractors	✓
Bowman	Bob	Floating Homes	✓
Ferguson	Jim	Marine Indust. Bus.: Lake Union/Ship Canal	✓
Hanson	Eric	Port of Seattle	✓
Johnson	Mark	Seattle Planning Commission	✓
Lockwood, USCG, Ret	John W.	Marine Industrial Business: Duwamish	✓
McCullough	Jack	Business: Central Waterfront	☐
Nelson	Kitty	Environmental: Lk WA and Ship Canal	✓
Nelson, Jr.	Martin O.	Commercial	✓
O'Halloran	Vince	Labor	✓
Oppenheimer	Martin	Recreation/Public Access	✓
Owen	John W.	Citizen At-Large	✓
Preisler	Sarah	Citizen At-Large	✓
Rasmussen	James	Environmental: Duwamish	☐
Stabbert	Brooke	Non-Residential Shoreline Property Owners	✓
Trim	Heather	Environmental: Puget Sound	✓
Tu	Trang	Citizen At-Large	✓
Whittaker	Gregory	Recreation/Public Access	✓

Project Team/Presenters/Other DPD			
Last	First	Organization	In Attendance?
Gainer	Cole	Triangle Associates	✓
Glowacki	Maggie	Seattle DPD	✓
Hall	Julie	Seattle Public Utilities	✓
Kern	Michael	Triangle Associates	✓
LaClergue	Dave	Seattle DPD	✓
Robison	Dave	Cascadia Community Planning Services	✓
Skelton	John	Seattle DPD	✓
Staley	Brennon	Seattle DPD	✓

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General Public			
Last	First	Organization	In Attendance?
Farr	Ann	Port of Seattle Consultant	✓
Forman	Diana	Houseboat Resident	✓
Keisler	Bill	Resident	✓
Page	Heather	WSDOT, Consultant (Anchor Environmental)	✓

Meeting Purpose

This was the fifth meeting of the City of Seattle's Shoreline Master Program (SMP) Update Citizen Advisory Committee (Committee). The meeting included presentations and discussion on: 1) Shoreline Ecology, 2) Shoreline Modifications: Overwater Coverage, and 3) updates on previous Committee discussion topics.

Welcome and Introductions

Facilitator Michael Kern of Triangle Associates welcomed the Committee to the meeting and led a round of introductions. Michael then reviewed the agenda and pointed out intervals for public comment. In response to a question about the Committee's process and discussion records, Michael pointed to a memorandum contained in the meeting material intended to be the basis of a conversation that the Committee will have at its December meeting regarding how it wants to develop a final report. The memo describes several approaches. The Committee agreed that it should consider this topic soon, but requested that the project team begin to provide more than just a record of the comments individual members make during discussion of SMP topics. In addition, it would be helpful to the Committee to have some preliminary analysis in terms of comments that are in favor versus opposed to DPD's proposed changes to the SMP, areas where there seems to be general agreement amongst Committee members, areas where opinion differs, etc. This was in part so that Committee report writing in 2009 will be an easier task, but also so that members can get a better sense that their comments are being registered and are having some effect on the SMP update.

Updates on Previous Committee Discussion Topics

Maggie Glowacki of DPD agreed that DPD should begin providing the type of analysis described above. She also reiterated that Committee discussions to date have provided DPD with valuable input and are resulting in changes to DPD's thinking on the topics discussed. DPD will strive to make this clearer for future meetings. Maggie also clarified that while DPD expects to complete the process of presenting its initial proposed changes to the SMP at formal Committee meetings in March of 2009, it will be revising the code and working on the restoration plan throughout 2009. DPD will continue to solicit Committee member's input throughout the process. Maggie asked the Committee to clarify how it would like to be notified of Committee members' additional comments on topics discussed at the Committee meetings. It was decided that DPD will forward to the Committee all such comments received, if they not distributed to the Committee by the member making the comments. In addition, DPD will continue to provide a summary document of comments received, the type of analysis described above, and how DPD is responding to the feedback.

In response to discussion around comments from October's *Urban Industrial/Urban Maritime* document, the following edits were made:

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- Under *Vegetating buffer setbacks*, the bullet, “think about regulatory requirements,” was expanded to read “in addition to incentives, we need to think about regulatory requirements”
- The term “racks” was specifically changed to “boat storage racks,” and
- Pages numbers and dates were corrected.

Maggie also reviewed the *Responses From Committee Comments Regarding the August SMP CAC Meeting Materials* document handed out at the meeting and now available online, pointing out that issues with recreation and industry within the Duwamish will be addressed when the Committee discusses public access, that words and/or concepts from the Environmental Critical Areas (ECA) Ordinance will be put directly into the new guidelines, and that the Committee should continue to provide suggestions, questions and comments to DPD regarding any of the document’s policy issues.

Shoreline Ecology

Julie Hall of Seattle Public Utilities (SPU) made a presentation about research conducted by the U.S. Fish and Wildlife Service on Chinook salmon behavior in and around Lake Washington (see PowerPoint available from the Committee’s website). She stated that, in summary, the thesis of her presentation is that fish behave very differently along modified shorelines than what one would see along naturally sloping shorelines. She also said that fish are grouping near overwater structures, which may increase their predation risk. After her presentation, Julie and the Committee members made the following points and clarifications.

- Research was not conducted in Elliot Bay because the area is dangerous to snorkel in, and because sampling techniques do not work there.
- Studies have not been conducted that specifically compare light volumes and fish density between docks with gratings and docks without gratings. There have been studies conducted regarding gratings over piers, but none that address the specific issues mentioned; this is also due to the difficulty in measuring such topics.
- Data does exist that supports the claim that overwater structures in Lake Washington and Lake Union affect the way fish move along the shoreline.
- High water temperature in the Ship Canal is a concern and will require a huge endeavor.
- There have been no studies done showing what would happen if milfoil beds were eliminated.
- Due to salt water intrusion in Salmon Bay, there are fewer predators as salmon get closer to the Fremont Cut and the Locks.
- Further studies are needed to get the specific numbers on measurements of light under a pier.
- Salmon were the focus of this study because they have been listed as endangered species since 1999, meaning money was available to research their presence within the lake. There is interest in other species that inhabit the lake; however the City may not have the financial resources to study them at this time. As time goes on, data is also being collected on more and more species as a natural byproduct of salmon research.
- To address the issue of moored boats blocking light at docks, dock design options have been discussed that include corridors in shallow areas with docks farther off shore.

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- In dealing with shoreline ecology issues, we can sometimes forget the uncertainty that exists with science. We need to make the best decision that we can, one that we think will help as much as possible, even if it is based on incomplete data.

Shoreline Modifications - Overwater Coverage

Maggie provided an overview on DPD's proposed regulatory changes to Overwater Coverage Shoreline Modifications. The majority of the Committee's discussion revolved around DPD's proposal to use the Army Corps of Engineers Regional General Permit (RGP 3) Regulations for residential piers, stating that the Army Corps regulates the total area of the pier as well as width, length, configuration of the main pier and any attached floats, ramps, and ells. Also, no structure can be installed within 100 feet of the mouth of a river, stream or creek, and the Total Allowed Surface Coverage (includes all floats, ramps, and ells) is as follows:

- Single property owner: 480 sq. ft.
- Two property owners (residential): 700 sq ft.
- Three or more residential property owners: 1000 sq. ft.

DPD's proposal is to require RGP 3 standards for new piers but allow for flexibility when rebuilding existing residential pier structures that do not meet the RGP 3 standards. When replacing piers that are larger than the size permitted under the Army Corps' RGP 3 permit, the size of the replacement pier may be 80% of the original pier or the maximum size allowed by RGP 3 standards, whichever is greater.

For more information see the PowerPoint presentation and related handouts available from the Committee's website. Committee member comments and concerns, and DPD clarifications, included:

Clarification: The proposed regulation guarantees a reduced size of piers through redevelopment.

Concern: All current piers are greater than the RGP 3. Adopting RGP 3 guidelines removes all flexibility homeowners have for building a pier. Do not use the 20% guideline DPD is proposing. The goal is to increase ecological function and not to reduce the size of piers. If you are rebuilding an existing pier, you should have to show no net loss of ecological function. New piers should be allowed to be built larger than the RGP 3 allows without having to go through a variance, which is time consuming and costly for homeowners.

Comment: Some people would argue that 20% is not enough, because of the impact docks have on salmon and the fact that we have built too many docks as is.

Clarification: Water-related uses can have new piers.

Comment: New regulations should match the WAC, only "water-dependent uses" should be allowed on piers.

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Comment: The public wants to see the permitting process become more regular and consistent. Residential piers should be tagged to RGP 3's, as this would help align the permitting process. Many people just want a dock so they can sell their property. If they really need something bigger, they can go through the variance process.

Clarification: Using the RGP 3 is about creating development standards. For new docks, RGP 3 would come into effect; this includes replacing a large dock. This is being proposed to ensure no net loss of ecological function, which is required by the SMP update guidelines, and also to reverse the adverse effects of shoreline modifications.

Comment: Approximately two years ago, a bill was placed before the State legislature to increase the threshold value dollar amount for single family docks and piers. The bill did not pass and so the dollar amounts (\$2,500 for piers built in saltwater and \$10,000 for piers built in freshwater) have not increased. For general exemption values for any shoreline project, the \$5,713 is adjusted annually for inflation and will be readjusted in June 2009.

Comment: The RGP 3 is a good baseline model because it is designed to expedite a clear path for small property owners to comply with a wide range of regulations without having to do a lot of extra environmental regulation. In recognition of the goals for reducing ecological impact, there should be some flexibility, such as specific criteria about a degree of restoration. This could be in place of the 20% standard and might be better than the RGP 3. This could be written as a special use consideration with criteria written around it, rather than just one formula like the RGP3. Encouraging people to build shared docks, escaping RGP 3 standards, may be an incentive to homeowners who could reduce their construction costs and allow for a larger dock.

Concern: Adoption of clarification 3 on page 4 of the *Overwater Coverage* document, "adding development standards to keep the bulk of the overwater structures out of the shallow water habitat and the first 30 feet from the shoreline..." is a concern for industry. It would be limiting, restrictive, and detrimental to industrial facilities. The bulk of the overwater structure being seaward of the first 30 feet of the shoreline could pose an increased risk of environmental hazards, such as oil and hazardous materials spills due to containment issues arising from piers constructed at least 30 feet from the shoreline with trestle-type access at each end. Also, this could be in conflict with the City of Seattle fire code with respect to hook and ladder trucks and other emergency vehicle access to overwater structures.

Comment: Where the proposal says "Adding development standards to keep the bulk of the overwater structures out of the shallow water habitat and the first 30 feet from the shoreline..." should have "on a case by case basis" added to it. This is specifically important for gang plank access in areas like the Colman Dock and Pier 92.

Michael concluded the discussion by reminding the Committee that they are encouraged to send additional questions, comments and concerns on this topic to the SMP email list and/or DPD.

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Shoreline Modifications – Shoreline Stabilization, Dredging

The Committee decided to defer the topics of Shoreline Stabilization and Dredging until the December meeting.

Public Comment

There was no public comment.

Final Thoughts/Next Steps

Michael wrapped up the meeting, indicating that a meeting summary will be sent for review and approval by the Committee and DPD; the prior meeting summary and all materials from this meeting will be posted to the web, and materials for the December meeting will be provided a week ahead of time. He also indicated that the Project Team would fix several identified errors in and improve the formatting and presentation of meeting materials, so they are easier to understand. The Committee reviewed the agenda items for the December meeting made suggestions about items that can be deferred or handled offline, in order to reduce the number of items on the agenda for that meeting. Michael said he and/or DPD would be in touch with individual Committee members between meetings, as issues are identified and needs arise, and that he would also be contacting each Committee member for a mid-point check in. He encouraged Committee members to contact him and/or Maggie with any process questions, comments, etc. Kitty Nelson encouraged all Committee members to read the Shoreline Alternative Mitigation Plan (SAMP), which Maggie will send out to the Committee, prior to the next meeting.

Michael thanked members for their participation and adjourned the meeting. The next meeting will be held on Tuesday, December 16, 2008 from 5:00 PM (4:30 PM “meet and greet”) to 9 PM.